Conf. Pam. 12mo #14

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[House of Representatives, No. 16.]

HOUSE, Sptember, 1862. Read first and second times, placed on Calendar and orderrd to be printed.

[By Mr. RUSSELL, from Judiciary Committee.]

A BILL

To be entitled An Act to repress atrocities of the enemy.

1 WHEREAS, The Northern States, now represented by
2 the Federal Government of the late Union, commenced
3 the present war of invasion to enforce an unfounded and
4 tyranical claim of dominion over States which had with-
5 drawn from the Union; and, pretending that these States
6 are in rebellion, have denied to them, from the beginning
7 of the war, the rights accorded to belligerents by the usages
8 of nations; and, after prosecuting this war without success
9 more than a year since this Government was recognized by

10 European nations as a belligerent Power, have continued,
11 under the same pretext, to inflict upon the good people
12 of these States inhuman injuries, in contemptuous dis-
13 regard of the usages of civilized warfare, exacting from
14 them treasonable oaths and service, and, upon refusal,
15 subjecting unarmed citizens, women and children to con-
16 fiscation, banishment, imprisonment and death ; wantonly
17 burning their dwelling-houses, ravaging the land, mur-
18 dering men for pretended or trivial offences ; making
19 rapine of private property a systematic object of the war ;
20 organizing the abduction of slaves by armies and agents
21 of Government ; endeavoring to foment servile insurrec-
22 tion by tampering with slaves, by proclaiming schemes
23 for emancipating them, by passing laws to equalize the
24 races, by protecting slaves in resisting their masters and
25 by preparing armed bands of negroes to fight in the
26 presence of negro slaves for the subjugation of the white
27 race ; permitting outrages on women to be committed by
28 a licentious soldiery, encouraged in a memorable instance
29 by the order of a Major General and the acquiescence of
30 his Government ; attempting, until restrained by a threat
31 of retaliation, to murder privateersmen for engaging in a

32 mode of warfare expressly sanctioned by the Constitu-
33 tions of the United States and the Confederate States
34 and by the laws of nations ; refusing, with double inhu-
35 manity, to exchange prisoners until constrained by the
36 long duration and adverse fortune of the war ; attempt-
37 ing to ruin our cities by filling up the entrances of their
38 harbors with stone and diverting the ancient channels of
39 great rivers ; cutting off our supplies of medicines,
40 needed as well for suffering women, children and captive
41 enemies as for the sick of our armies ; and perpetrating
42 other atrocities which would be disgraceful to savages.

43 And whereas, the said Federal Government, in the
44 same spirit of barbarous ferocity, has recently enacted a
45 law entitled "An act to suppress insurrection, to punish
46 treason and rebellion, to seize and confiscate the property
47 of rebels, and for other purposes," and has thereby made
48 manifest that the vast war of invasion which it wages
49 with such lawless cruelty is waged with a view, by judi-
50 cial murders, banishments and otherwise, to exterminate
51 the loyal population of these States, to transfer their
52 property to their enemies and to emancipate their slaves,
53 employing slaves and other negroes for these purposes

54 with an atrocious design of adding servile insurrection
55 and the massacre of families to the calamities of war.

36 And whereas, since the passage of said act, executive
57 and military orders have evinced a determined purpose
58 of the enemy to carry out the policy of rapine and ex-
59 termination with brutal and surprising severity.

60 And whereas, manifestly with the knowledge and con-
61 nivance of said Federal Government and for the purpose
62 of destroying the credit and circulation of the Treasury
63 notes of this Government, immense amounts of spurious
64 or counterfeit notes, purporting to be such Treasury
65 notes, have been fabricated and advertised for sale in the
66 enemy's country and have been brought into these States
67 and put in circulation by persons in the service of the
68 enemy.

69 And whereas, this Government has hitherto observed,
70 and yet desires to observe, with scrupulous fidelity, all
71 the obligations of a belligerant Power, according to inter-
72 national laws and usages, although fairly absolved from
73 such obligation towards the enemy by the refusal of the
74 enemy to acknowledge or perform any reciprocal obliga-
75 tion unless constrained by necessity.

And whereas, justice and humanity require this Government to endeavor to repress the lawless and atrocious practices of the enemy by inflicting severe retribution for inhuman crimes.

And whereas, it is deemed proper to declare the views of this Government respecting certain practices of the enemy; therefore

SECTION 1. *The Congress of the Confederate States of America do enact*, That the following acts, when committed by the enemy, or any person in the service of the enemy, during the war, shall be deemed unlawful, to-wit:

I. The arrest, detention or other molestation of any loyal inhabitant of the Confederate States for refusing to aid the enemy or to take an oath of allegiance to said Federal government, or any government, or pretended government adhering thereto, or for any cause or alleged cause implying that said Federal government is entitled to exercise political jurisdiction over the people of these States, or for any other cause not sufficient according to the laws and usages of war, between independent nations.

16 II. Attempting to enforce the above recited act of
17 said Federal Congress.
18 III. Circulating or bringing into the Confederate
19 States counterfeit notes, purporting to be treasury notes
20 of this government.
21 IV. Taking, removing, consuming or destroying pri-
22 vate property on land not warranted by said laws and
23 usages of war.
24 V. Employing negroes or mulattoes in military ser-
25 vice against the Confederate States, or organizing,
26 arming or training them for that purpose.
27 VI. Inciting slaves to rebel; abducting them; aiding
28 or inducing them to abscond; harboring them with
29 intent to deprive the owners of their property therein,
30 or to give effect to any provision of said act of the Fed-
31 eral Congress.
32 VII. Obstructing the importation of medicines.
33 VIII. All other acts which are forbidden or condemned
34 by said laws and usages of war.
1 Sec. 2. For any of the acts hereinbefore declared to
2 be unlawful the President shall have authority to inflict
3 retaliation or retributive injuries upon the enemy at his

4 discretion, either by imprisoning or putting to death cap-
5 tives taken in war, or adult male inhabitants of the ene-
6 my's country, or by seizing or destroying public or pri-
7 vate property in the enemy's country, or in any other
8 manner which he may deem proper.

1 SEC. 3. Until the said act of the Federal Congress au-
2 thorizing the universal confiscation of property and libe-
3 ration of slaves of the loyal people throughout these
4 States be repealed, and the enemy shall consent to con-
5 duct hostilities according to said laws and usages of war,
6 it shall be lawful for the forces of the Confederate States,
7 unless forbidden by the President, to destroy any city or
8 town of the non-slaveholding States of the late Union,
9 giving proper notice and time for the inhabitants to with-
10 draw.

1 SEC. 4. All slaves taken in arms against the Confede-
2 rate States shall be delivered to the authorities of the
3 State or States in which they shall be so taken, to be
4 punished, or otherwise dealt with according to the laws
5 of such State or States.

1 SEC. 5. Every white person who shall act as a commis-
2 sioned or non-commissioned officer, commanding negroes

or mulattoes in arms against the Confederate States, or who shall arm, train, organize, or prepare negroes or mulattoes for military service against the Confederate States, or who shall voluntarily aid negroes or mulattoes in any military enterprise, attack or conflict, in such service, shall, if captured, be put to death by hanging.

SEC. 6. Every person in the service of the enemy, or adhering to the enemy in the present war, who shall incite a slave to rebel, or abduct a slave, or harbor a slave in the manner before declared unlawful, or assist or entice a slave to abscond from the service, possession or control of his or her owner or master, shall, if captured, be put to death by hanging.

SEC. 7. All free negroes and mulattoes engaged in military service against the Confederate States or enlisted or organized for such service, shall, if captured, be slaves for life, and shall be sold according to such regulations as the President shall prescribe.

SEC. 8. Every person who shall do any act in execution or enforcement of the said act of the Federal Congress shall be put to death by hanging.

SEC. 9. Every commissioned officer of the enemy who

shall arrest, detain or molest a loyal inhabitant of any of the Confederate States in the manner hereinbefore declared to be unlawful, or who shall cause the same to be done, or shall permit the same to be done by any person under his authority, shall, if captured, be put to death by hanging.

SEC. 10. Every commissioned officer of the enemy who shall take, remove, consume or destroy private property on land in the manner hereinbefore declared to be unlawful, or shall cause the same to be done, or shall permit the same to be done by any person under his authority, shall, if captured, be put to death by hanging, or suffer such other punishment as a court martial shall award.

SEC. 11. Every person in the service of or adhering to the enemy who shall pass or offer to pass any such spurious or counterfeit note or notes as aforesaid, or shall sell or attempt to sell the same, or shall bring any such note or notes into the Confederate States, or shall have any such note or notes in his possession with intent to pass or sell the same, shall, if captured, be put to death by hanging; and every commissioned officer of the enemy

who shall permit any offence mentioned in this section to be committed by any person under his authority, shall be put to death by hanging.

SEC. 12. Every person charged with an offence punishable under this act shall be tried by a court martial in such manner and under such regulations as the President shall prescribe; and, after conviction, the President may commute the punishment to imprisonment in such manner and for such time as he may deem proper, and may pardon the offender on such conditions as he may deem proper or unconditional.

Hollinger Corp.
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